

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AYANNA HICKMAN,
Plaintiff,

v.

MITTAS INN, LLC, and HAP, INC.,
Defendants;

MITTAS INN, LLC,
Cross Claimant,

v.

HAP, INC.
Cross Defendant.

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Civil Action No. 17-30003-MGM

MEMORANDUM AND ORDER REGARDING REPORT AND
RECOMMENDATION ON DEFENDANTS' MOTIONS TO DISMISS
(Dkt. Nos. 57, 58, 74, 76, and 81)

November 7, 2018

MASTROIANNI, U.S.D.J.

Plaintiff, AyAnna Hickman, filed this suit against Defendants, Mittas Inn, LLC and HAP, Inc., alleging sexual harassment and retaliation in violation of Title VII of the Civil Rights Act of 1968 as amended and Massachusetts General Laws ch. 151B, and aiding and abetting in violation of Chapter 151B. After Plaintiff repeatedly failed to appear for her deposition, HAP, Inc., later joined by Mittas Inn, LLC, moved for dismissal of the case as a sanction. At the time the motion was filed, Plaintiff was proceeding *pro se*. Magistrate Judge Robertson scheduled a show cause hearing for April 27, 2018. Following a colloquy with Plaintiff during the hearing, Judge Robertson extended the deadline for completion of non-expert discovery. She also ordered Plaintiff to cooperate in discovery and warned her that failure to do so could cause her case to be dismissed.

After the close of the extended non-expert discovery period, Defendants' filed supplemental motions seeking dismissal because Plaintiff had not cooperated with discovery – she continued her pattern of failing to appear for her deposition and did not respond to Defendants' written discovery requests. This court referred the motions to Magistrate Judge Katherine A. Robertson and on October 23, 2018 she issued her Report and Recommendation ("R&R"), advising that Defendants' initial motions for sanctions be deemed moot, that Defendants' supplemental sanctions motions be granted, and that Plaintiff's claims be dismissed with prejudice. Objections to the R&R were due on November 6, 2018. No objection was filed by any party.

The court has reviewed the R&R, as well as Defendants' motions. Noting that no objections have been filed, the court, upon *de novo* review, hereby ADOPTS Judge Robertson's R&R (Dkt. No. 81).

The court, therefore, deems moot HAP, Inc.'s Motion to Dismiss (Dkt. No. 57) and Mittas Inn, LLC's Motion to Join (Dkt. No. 58) and ALLOWS HAP, Inc.'s Supplemental Motion to Dismiss (Dkt. No. 74) and Mittas Inn, LLC's Supplemental Motion to Join (Dkt. No. 76). Plaintiff's complaint is dismissed with prejudice. This case may now be closed.

It is So Ordered.

/s/ Mark G. Mastroianni
MARK G. MASTROIANNI
United States District Judge